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[Signature]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Brian S. Kelleher  
Title: Electromyography System

Docket No.: 8100.028US1  
Filed: November 24, 2000  
Examiner: Unknown

Serial No.: 09/722,070  
Due Date: N/A  
Group Art Unit: Unknown

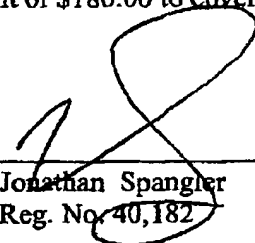
**MS Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard and this transmittal document.
- ☒ An Supplemental Information Disclosure Statement (2 pgs.), Form 1449 (7 pgs.), and copies of 39 cited documents.
- ☒ Please charge Deposit Account # 50-2040 in the amount of \$180.00 to cover the fee for consideration of Information Disclosure Statement under 97(c).

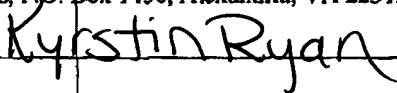
Customer Number: 30328

By

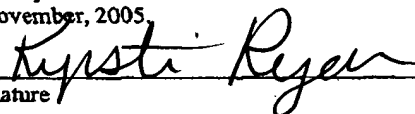
  
Jonathan Spangler  
Reg. No. 40,182

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Serial No : 09/722,070

Filing Date: November 24, 2000

Title: Electromyography System

Page 2  
Dkt: 028US1

Applicant respectfully requests that notice of such requirement be directed to Applicant's below-signed representative. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2)

Respectfully submitted,

BRIAN S. KELLEHER

By his Representatives,

Customer Number: 30328

858-909-1807

Date 11-7. 2005

By

Jonathan Spangler  
Reg. No. 40,182

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10 day of November, 2005.

Name

Kyrstin Ryan

Signature

Kyrstin Ryan

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N 09/722,070

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian S. Kelleher  
Serial No.: 09/722,070  
Filed: November 24, 2000  
Title: Electromyography System

Examiner: Unknown  
Group Art Unit: Unknown  
Docket: 028US1

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

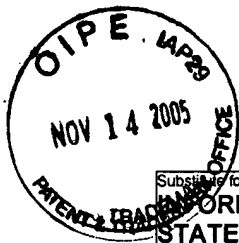
In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the referenced materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicant respectfully requests that this Supplemental Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicant requests that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicant with the next official communication.

Pursuant to 37 C.F.R. §1.97(c)(2), Applicants have included the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p). Please charge any additional fees or credit any overpayment to **Deposit Account No. 50-2040**. The Examiner is invited to contact the Applicant's Representative at the below-listed telephone number if there are any questions regarding this communication.

Pursuant to 37 C.F.R. 1.98(a)(2), Applicant believes that copies of cited U.S. Patents and Published Applications are no longer required to be provided to the Office. Notification of this change was provided in the United States Patent and Trademark Office OG Notices dated October 12, 2004. Thus, Applicant has not included copies of any US Patents or Published Applications cited with this submission. Should the Office require copies to be provided,

11/15/2005 CNGUYEN 00000026 502040 09722070

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PTO/SB/08A(08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
US Patent & Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

<b>Application Number</b>	09/722,070
<b>Filing Date</b>	November 24, 2000
<b>First Named Inventor</b>	Kelleher, Brian
<b>Group Art Unit</b>	Unknown
<b>Examiner Name</b>	Unknown

Sheet 1 of 7

Attorney Docket No: 028US1

## **US PATENT DOCUMENTS**

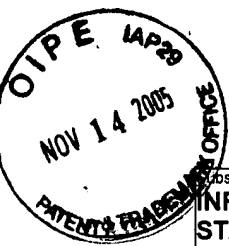
Examiner Initial *	Cite No. *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-1,548,184	08/04/1925	Cameron, W. S.	
		US-20020007129A1	01/17/2002	Marino, J. S.	
		US-20020072686A1	06/13/2002	Hoey, M. S., et al.	
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		US-4,926,865	05/22/1990	Oman, P. S.	
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		US-4,964,411	10/23/1990	Johnson, Michael S., et al.	

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

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Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	09/722,070
Filing Date	November 24, 2000
First Named Inventor	Kelleher, Brian
Group Art Unit	Unknown
Examiner Name	Unknown

Sheet 2 of 7

Attorney Docket No: 028US1

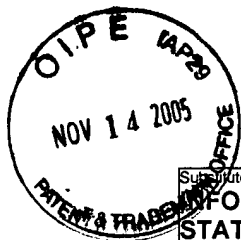
	US-5,007,902	04/16/1991	Witt, H. S.	
	US-5,058,602	10/22/1991	Brody, Stanley S.	
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EXAMINER

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Substitute Disclosure Statement Form (PTO-1449)

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(Use as many sheets as necessary)

Complete if Known

Application Number	09/722,070
Filing Date	November 24, 2000
First Named Inventor	Kelleher, Brian
Group Art Unit	Unknown
Examiner Name	Unknown

Sheet 3 of 7

Attorney Docket No: 028US1

	US-5,885,219	03/23/1999	Nightengale, C. S.	
	US-5,888,196	03/30/1999	Bonutti, Peter S.	
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	US-5,976,094	11/02/1999	Gozani, S. S., et al.	
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**FOREIGN PATENT DOCUMENTS**

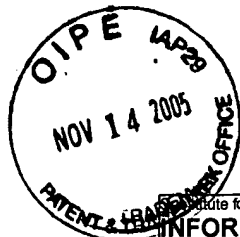
Exami ner Initials *	Cit e No. *	Foreign Document No	Publicatio n Date	Name of Patentee or Applicant of cited Document	Pages,Columns, Lines,Where Relevant Passages or Relevant Figures Appear	T <sup>2</sup>
		Country Code - Number - Kind Code (if known)				
		WO-0066217A1	11/09/2000	Epstein, R. S., et al.		
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Substitute for form 1449A/PTO

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT** (Use as many sheets as necessary)

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<b>Application Number</b>	09/722,070
<b>Filing Date</b>	November 24, 2000
<b>First Named Inventor</b>	Kelleher, Brian
<b>Group Art Unit</b>	Unknown
<b>Examiner Name</b>	Unknown

Sheet 4 of 7

Attorney Docket No: 028US1

## **OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

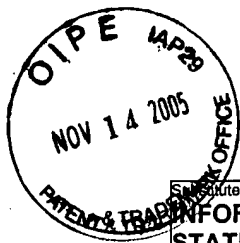
Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"Brackmann II EMG System", <u>Medical Electronics</u> , (1999), 4 pages	
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		"Systems and Methods for Performing Percutaneous Pedicle Integrity Assessments", <u>International Search Report</u> , International Application No. PCT/US02/35047,(August 11, 2003), 5 pages	
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EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

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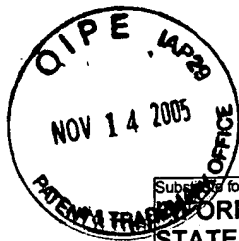
Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)		Complete if Known	
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		Filing Date	November 24, 2000
		First Named Inventor	Kelleher, Brian
		Group Art Unit	Unknown
		Examiner Name	Unknown
Sheet 5 of 7		Attorney Docket No: 028US1	

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		BOSE, BIKASH , et al., "Neurophysiologic Monitoring of Spinal Nerve Root Function During Instrumented Posterior Lumbar Spine Surgery", <u>Spine</u> , 27(13), (2002), 1444-1450	
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		HAIG, A. J. , et al., "The relation among spinal geometry on MRI, paraspinal electromyographic abnormalities, and age in persons referred for electrodiagnostic testing of low back symptoms", <u>Spine</u> , 27(17), Department of Physical Medicine and Rehabilitation, University of Michigan, (Sep 1, 2002), 1918-1925	

EXAMINER

DATE CONSIDERED



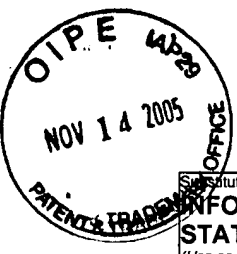


Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)	Complete if Known	
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	Group Art Unit	Unknown
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Sheet 6 of 7		Attorney Docket No: 028US1

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS			
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		HOLLAND, N.R., et al., "Higher electrical stimulus intensities are required to activate chronically compressed nerve roots. Implications for intraoperative electromyographic pedicle screw testing", <u>Spine</u> , 23(2), Department of Neurology, Johns Hopkins University School of Medicine, (Jan 15, 1998), 224-227	
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EXAMINER

DATE CONSIDERED



<b>Substitute for form 1449A/PTO</b> <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>	<i>Complete if Known</i>	
	<b>Application Number</b>	09/722,070
	<b>Filing Date</b>	November 24, 2000
	<b>First Named Inventor</b>	Kelleher, Brian
	<b>Group Art Unit</b>	Unknown
	<b>Examiner Name</b>	Unknown
Sheet 7 of 7		Attorney Docket No: 028US1

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
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